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In re Application of  
QUARTARARO, et al.  
PCT No.: PCT/FR97/02005  
U.S. Application No.: 09/297,737  
Int. Filing Date: 07 November 1997  
Priority Date: 07 November 1996  
Attorney Docket No.: PET 1761  
For: CATALYST HAVING AT LEAST ONE  
ELEMENT OF GROUP VIIB AND ITS  
USE HYDRO-TREATING

DECISION ON RENEWED

PETITION UNDER 37 CFR 1.181

This decision is in response to applicant's "Renewed Petition Under 37 CFR 1.181" filed in the United States Patent and Trademark Office on 16 October 2000.

### **BACKGROUND**

On 18 September 2000, applicant was mailed a decision dismissing applicant's request to have a Notification of Abandonment withdrawn. Applicant had not shown sufficient evidence that a Notification of Missing Requirements (Form PCT/DO/EO/905) had not been received by applicant. Applicant was given two months in which to respond.

On 16 October 2000, applicant responded with the present renewed petition.

### **DISCUSSION**

As stated in the previous decision, the Official Gazette, at 1156 OG 53, provides that a petition requesting relief based on the grounds that an Office action was not received must be accompanied by a statement that (1) the Office action was not received, (2) attests that a search of the file jacket indicates the Office action was not received, (3) attests that a search of counsel's docket records indicates the Office action was not received. The Petition must also be accompanied by (4) copies of the docket records where the non-received Office action would have been entered. (See also, Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971).

Applicant previously failed to satisfy items (2) - (4). However, with the present petition

Application No.: 09/297,737


applicant has provided sufficient evidence that a search of the application file jacket and counsel's docket records indicates that the Office action was not received. In addition, applicant has now provided a copy of counsel's docket records where the non-received Office action would have been entered. Applicant has now satisfied all the necessary items.

**CONCLUSION**


Applicant's Renewed Petition Under 37 CFR 1.181 is **GRANTED**.

The Notification of Abandonment mailed 04 February 2000 is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision and the re-mailing of a Notification of Missing Requirements (PCT/DO/EO/905) and Notice of Defective Translation (PCT/DO/EO/913).



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